

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

DAVID A. STEBBINS,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 1:14cv1267
)	
TWO UNKNOWN NAMED FEDERAL)	
AGENTS OF THE U.S. MARSHAL)	
SERVICE,)	
)	
Defendants.)	
_____)	

**UNITED STATES MARSHALS SERVICE’S RESPONSE TO
SUBPOENA DUCES TECUM**

In an order dated January 15, 2015, this Court directed the Clerk to “issue a subpoena *duces tecum* to” the United States Marshal for this district, requiring the “disclos[ure] [of] documents sufficient to reveal the information requested in Plaintiff’s motion by filing it with the Clerk of Court by 12:00pm on February 13, 2015” (Dkt. No. 14). The subpoena *duces tecum* issued, and was served upon the United States Marshal, the same day (Dkt. No. 15-16). The United States Marshals Service (“USMS”) now respectfully provides the following response to the subpoena.

RESPONSE

Initially, USMS has no non-privileged documents “sufficient to reveal the information requested in Plaintiff’s motion” (*i.e.*, “the full names of the two subordinate agents Plaintiff refers to in his complaint” (Dkt. No. 12)). Put simply, USMS did not author or otherwise create any document contemporaneous with any telephone conversation with Plaintiff in September 2014.

Nevertheless, in an exercise of good faith, see Schiff v. Kennedy, 691 F.2d 196, 198 & n.1 (4th Cir. 1982), USMS identifies the following two agency officials as having conversed telephonically with Plaintiff in September 2014:

Ronald Carter
Supervisory Deputy United States Marshal
Eastern District of Virginia
401 Courthouse Square
Alexandria, Virginia 22314

Joshua Devine
Deputy U.S. Marshal
Southern District of Alabama
413 U.S. Courthouse
113th St. Joseph Street
Mobile, Alabama 36602

In providing this information, USMS expressly provides no representation about the veracity of the allegations within Plaintiff's complaint concerning the substance of any of the telephonic conversations USMS officials had with Plaintiff, or any other allegation contained within Plaintiff's complaint.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

By: /s/
DENNIS C. BARGHAAN, JR.
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
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Email: dennis.barghaan@usdoj.gov

DATE: February 13, 2015

ATTORNEYS FOR UNITED STATES
MARSHALS SERVICE

OF COUNSEL: Ed Bordley
United States Marshals Service

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and will transmit a true and correct copy of the foregoing to the following non-user via first-class mail:

David Stebbins
123 W. Ridge Street, Apt. D
Harrison, Arkansas 72601

Date: February 13, 2015

/s/
DENNIS C. BARGHAAN, JR.
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